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Paper No. 6

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JUN 13 2003

OFFICE OF PETITIONS

In re Application of  
David Harriman  
Application No. 10/040, ~~775~~ 755  
Filed: December 28, 2001  
Attorney Docket No. 42390.P13766

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(f), filed May 20, 2003, which is being treated as a petition under 37 CFR 1.137(b).

The petition is DISMISSED AS MOOT.

The above-identified application was filed on December 28, 2001 with a nonpublication request and certification under 35 U.S.C. 122(b)(2)(B)(i). On May 30, 2002, applicant filed a Request to Rescind Previous Nonpublication Request.

With the instant petition, applicant states that the application was foreign filed on December 5, 2002.

As the Request to Rescind Previous Nonpublication Request was filed before the foreign filing, the application will be treated as if the nonpublication request was never made.<sup>1</sup>

The petition fee of \$1,300 has been refunded to Deposit Account No. 02-2666.

<sup>1</sup> See "Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. 122(b)(2)(B)(ii)-(iv)", available at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/35uscl22b2binterpret.htm>.

The application file is being forwarded to Technology Center 2600 for processing in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo  
Petitions Attorney  
Office of Petitions